

United States Government



NATIONAL LABOR RELATIONS BOARD

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

June 17, 2005

United Steelworkers of America, Local 9497,
District 7, Sub District 3, AFL-CIO-CLC
Attn: Mr. Andrew Wake
Local Union President
214 4th Street
Aurora, IN 47001

Re: PRI-PAK INC.
Case 9-CA-41493

Dear Mr. Wake:

The Region has carefully investigated and considered your charge against PRI-PAK INC. alleging violations under Section 8 of the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

Allegations in this case that the Employer threatened an employee for testifying on behalf of another employee at an unemployment compensation hearing were deferred to the grievance-arbitration procedure on December 6, 2004 pursuant to the Board's policy in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). The Union has failed to respond to written requests from the Regional Office for information as to the

status of the underlying grievance. The most recent request for information, dated May 2, 2005, clearly stated that the charge would be dismissed, absent a response.

Under these circumstances, neither continued deferral nor further proceedings are warranted. Accordingly, I am refusing to issue a complaint in this matter and am dismissing the charge.

Charging Party's Right to Appeal: Pursuant to the National Labor Relations Board Rules and Regulations, you may obtain a review of this action by filing an appeal with the Acting General Counsel of the National Labor Relations Board, Attn: Office of Appeals, Room 8820, 1099 – 14th Street, N.W., Washington, D.C. 20570-0001, and a copy with the Regional Director.

Appeal Due Date: The appeal must be received by the Acting General Counsel in Washington, D.C. by the close of business at **5:00 p.m. EDT on July 1, 2005**. If you mail the appeal, it will be considered timely if it is postmarked no later than one day before the due date set forth above. The appeal may not be filed by facsimile transmission or by using the Internet.

Extension of Time to File Appeal: Upon good cause shown, the Office of Appeals, on behalf of the Acting General Counsel may grant special permission for a longer period within which to file. Requests for extension of time may be filed by mail, by facsimile transmission at Fax number (202) 273-4283, or by using the Agency's Internet site. Special instructions for using the Internet are set forth in the attached Access Code Certificate. The request must be received no later than the time and date set above for filing of the appeal. A copy of any such request for an extension of time should be submitted to the Regional Director.

Appeal Contents: You are encouraged to submit a complete statement setting forth the facts and reasons why you believe the decision to dismiss your charge was incorrect. However, the enclosed Appeal Form (NLRB-4767) by itself will be treated as an appeal if timely filed upon the Acting General Counsel and me.

Notice to Other Parties of Appeal: You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the Acting General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter. Any statement in support of your appeal should not be sent to the other party(ies). Mailing the appeal form to the parties does not relieve you from filing the appeal itself with the Acting General Counsel and sending a copy of the appeal to me by the due date.

Very truly yours,

/s/

Gary W. Muffley
Regional Director

GWM/DPM/md

Attachments (4)

cc: Pri-Pak Inc., Attn: Ms. Amy Hammond, 2000 Schenley Place, Lawrenceburg, IN 47025

Bose, McKinney & Evans LLP, Attn: Mr. David L. Swider, Attorney at Law,
2700 First Indiana Plaza, 135 North Pennsylvania Street, Indianapolis, IN 46204

Acting General Counsel, Office of Appeals, National Labor Relations Board,
1099 - 14th Street, N.W., Washington, D.C. 20570